

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7937 SONG THRUSH TRUST,

Case No.: 2:18-cv-02184-APG-BNW

Plaintiff

Order Granting Motion to Extend Time to File Notice of Appeal

V.

[ECF No. 34]

Defendants

9 On March 19, 2020, judgment was entered against plaintiff 7937 Song Thrush Trust
10 (Trust) after I dismissed its complaint. ECF Nos. 26, 27. The Trust filed its Notice of Appeal
11 one day late. ECF No. 31. The Trust now moves for an extension of the appeal deadline so its
12 notice of appeal will be deemed timely. ECF No. 34. Defendant The Bank of New York Mellon
13 (BONY) has not filed an opposition.

14 The Trust’s late filing was due to its counsel’s excusable neglect. Counsel did not notice
15 the deadline on his calendar system until the day after the deadline, the notice of appeal was filed
16 immediately after the error was discovered, there is no evidence of bad faith, and BONY is not
17 prejudiced by this one-day delay. *See M.D. by & through Doe v. Newport-Mesa Unified Sch.*
18 *Dist.*, 840 F.3d 640, 642 (9th Cir. 2016) (listing relevant factors of excusable neglect). Good
19 cause exists to extend the deadline and deem the Trust’s notice of appeal as timely filed.

20 I THEREFORE ORDER that the plaintiff's motion to extend time (**ECF No. 34**) is
21 granted.

DATED this 18th day of May, 2020.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE